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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,305	01/25/2001	Vincent Chern	50310-00639	4151

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/768,305

Applicant(s)

CHERN ET AL.

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive.

In respond to applicants argue that "local data base 160 is not remote. For example, "when the network connection is reestablished, these modifications and changes in the local database 160 will be synchronized". Kim discloses "the MIA 102 can connect to the network 132 via the Internet, LAN, MAN, WAN, cable TV network, cellular phone network, etc. These items are stored either in an Application/servivies server 150 or a master database 136" (see col.7 lines 15-17); and then the profile data 138a in the master database 136 is local synchronized with database 160 (see col.7 lines 61-64). Therefore, database's 160, 138a and 136 are localized between themselves; however, the database's are indirect connect (remotely) with the MIA 102 via network 132 (see fig.3).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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3. Claims 1, 4-11, 13, 16-29, 32, 34, 37-40, 55, 57-58 and 62, are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Patent 6,546,002).

Regarding claims 1, 13, 16, 27, 34, 38 and 58, Kim discloses a wireless communications system comprising:

at least on mobile communications device capable of having user request input into it (see col.6 lines 37-42);

a remotely located knowledge agency (160, fig.3) having access to information that is responsive to user requests;

means for providing communication between the mobile communications device and the knowledge agency (see col.6 lines 16-29);

a knowledge database containing information associated with the mobile communications device (see col.8-11), said information being useful for the generation of a response to a user request; and

a software agent (102, fig.5) adapted to access the information in the knowledge database and identify new information to be stored in the knowledge database (see col.7 lines 56-64 "modification and changes" corresponds to "new information").

Regarding claims 4, 17, Kim discloses the means for providing communication includes the internet (see col.7 lines 11-13 and 8 lines 32-43).

Regarding claims 5-6, 18-19, 21-22, 28, Kim discloses the information is segregated into private information and public information (see col.8 lines 6-47).

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Regarding claims 7-8, 10, 20, 23-25, Kim discloses the knowledge agency comprises a plurality of subscribers-agencies (132, 1320 fig.13) having expertise in different matters (see col.6 lines 1-34 and col.11 lines 10-17).

Regarding claims 9, 26 and 57, Kim discloses at least one electronic database and at least one electronic directory are electronically accessible to knowledge agency (see col.3 lines 9-21 and col.11 lines 10-37).

Regarding claims 27-28, Kim discloses at least one knowledge agent includes means to access information from an electronic database on a request received from the mobile device and information in the knowledge database (see col.8-11).

Regarding claims 11, 29, 32, Kim discloses a voice recognition device operatively linked to the mobile communication device (see col.6 lines 37-66).

Regarding claims 37-40, Kim discloses the knowledge database, software agent resides in a mobile wireless communication device (see col.5 lines 55-66).

Regarding claim 55, Kim discloses everything as claim 1 above. More specifically, Kim discloses providing data relevance to the information request to the software agent (see col.8-11);

With the software agent, communicating the information request via the wireless network to a knowledge agency comprised of the specialized knowledge agents (see col.8-11).

Regarding claim 62, Kim discloses the current conversational mood is assessed before selecting a reply (see col.10 line 45 through col.11 line 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 14-15, 35-36, 45-49, 51 and 56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and further in view of Dowling et al. (US Patent 6,522,875).

Regarding claims 2-3, 14-15, 35-36, 45, 48, 56, Kim disclose everything as claim 1 and 5 above. However, Kim fails to disclose the mobile communication device further comprises a means for determining the position of the device.

Dowling et al. disclose the mobile communication device further comprises a means for determining the position of the device (see col.5 lines 3-17 and col.6 lines 39-46). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of Dowling et al. in order to provide digital maps indicating the best current route leading from the mobile unit's current position to a selected destination.

Regarding claim 46, the modified Kim and Dowling et al. disclose a private database that stores private information about the user (see Kim, col.8 lines 6-47),

a public database that stores public information about the users (see Kim, col.8-11); and

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an agent knowledge database that stores information retrieved and developed by the client agent (see Kim, col.6 lines 16-29).

Regarding claim 47, the modified Kim and Dowling et al. disclose the private stores at least one item selected from a group consisting of: account information and passwords (see Kim, col.8 lines 44-47, col.9 lines 3-7);

the public database stores at least one item selected from a group consisting of user preferences, item ratings, user interests, user needs (see Kim, col.8 lines 6-43).

the agent knowledge database stores at least one item selected from the group consisting of information related to the user's mood and other information learned by the client agent about the user and the user's preferences (see Kim, col. 7-8).

Regarding claim 49, the modified Kim and Dowling et al. Kim discloses a collaborative filter for refining the information retrieved by the knowledge agents (see Kim, col.10 line 45 through col.11 line 4).

Regarding claim 51, the modified Kim and Dowling et al. disclose the information request is parsed by the agent and matched with possible answers (see Kim, col.8-11).

6. Claims 12, 30-31, 33, 41-44, 59-61 and 63, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Lumelsky (US Patent 6,246,672).

Regarding claims 12, 30-31, 33, 59-60 and 63, Kim fails to disclose means for generating synthesized speech response to a voice request input into the mobile communication device.

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Lumelsky discloses means for generating a synthesized speech response to a voice request input into the mobile communication device (see col.6 line 56 through col.7 line 17 and col.8 line 60 through col.9 line 12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of Lumelsky in order to provide hand free communication due to lack or impossibility of using a keyboard (as suggested by Lumelsky, see col.6 lines 1-4).

Regarding claim 41, Kim discloses everything as claim 1 and 4 above. However Kim fails to disclose transmitting the selected user information from a mobile wireless communications device to a base station.

Lumelsky discloses transmitting the selected user information from a mobile wireless communications device to a base station. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of Lumelsky in order to provide two-way communication data and voice communications between users and the service provider.

Regarding claims 42-43, the modified Kim discloses providing the request to a software agent residing in the mobile wireless communications devices (see Kim, col.8-11);

using the software agent to parse the request to identify the request content (see Kim, col.8-11);

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using the software agent to access user information from the knowledge database residing in the mobile wireless communications device (see Kim, col.5 lines 55-66); and

using the software agent to select user information based on the request content (see Kim, col.6 lines 16-29.

Regarding claims 44 and 61, the modified Kim discloses filtering the response information to identify the most appropriate response information (see Kim, col.10 line 45 through col.11 line 4); and

Interjecting the most appropriate response information into a prestored answer template to generate the response (see Kim, col.8 lines 6-21, 49-62).

7. Claims 50, 52-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, in view of Dowling et al. and further in view of Lumelsky.

Regarding claims 50 and 52-54, the modified Kim fails to disclose means for generating synthesized speech response to a voice request input into the mobile communication device.

Lumelsky discloses means for generating s synthesized speech response to a voice request input into the mobile communication device (see col.6 line 56 through col.7 line 17 and col.8 line 60 through col.9 line 12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of Lumelsky in order to provide hand free

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communication due to lack or impossibility of using a keyboard (as suggested by Lumelsky, see col.6 lines 1-4).

Regarding claim 54, the modified Kim discloses a short-term memory permitting the client agent to access a previous topic when responding to the user or to access another next topic (see Kim, col.6 lines 30-36), the examiner interprets "network local memory" is inherently short-term memory providing the users multiple tasks (previous next topic) describes by Kim such as access, retrieve, URL bookmarks, menu items.

an activation network that increases and decreases the priorities of the templates based on relevancy (see Kim, col.8-11).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

November 19, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER